

Repeals ch. 122, Laws of 1921; ch. 30, Laws of 1923; ch. 126, Ex. Laws of 1925; ch. 98, Laws of 1927; ch. 68, Laws of 1931; § 7306-7346 inc., Rem. Comp. Stat. ; § 7309, 7320-1, 2, -3, -4, -5, Rem. Comp. Stat., 1927 Supp.

Saloons not revived.

ter 122 of the Laws of 1921, chapter 30 of the Laws of 1923, chapter 126 of the Laws of the Extraordinary Session of 1925, chapter 98 of the Laws of 1927, and chapter 68 of the Laws of 1931, (sections 7306, 7307, 7308, 7309, 7310, 7311, 7312, 7313, 7314, 7315, 7316, 7317, 7318, 7319, 7320, 7321, 7322, 7323, 7324, 7325, 7326, 7327, 7328, 7329, 7330, 7331, 7332, 7333, 7334, 7335, 7336, 7337, 7338, 7339, 7340, 7341, 7342, 7343, 7344, 7345 and 7346 of Remington's Compiled Statutes, and sections 7309, 7320-1, 7320-2, 7320-3, 7320-4 and 7320-5 of Remington's Compiled Statutes, 1927 Supplement) be and the same are hereby repealed: *Provided*, That the repeals herein provided for shall not be construed or held to revive or make effective any statute or law providing for the licensing and operation of saloons.

Passed by vote of the people at the general election November 8, 1932.

Proclamation signed by the Governor December 8, 1932.

## CHAPTER 3.

[INITIATIVE MEASURE NO. 62.]

### STATE GAME CODE.

AN ACT relating to the organization and administration of the state government, creating the department of fisheries, the department of game, and certain offices connected therewith, and defining the powers and duties thereof, and amending chapter 7 of the Laws of 1921, chapter 178 of the Laws of the Extraordinary Session of 1925, and repealing certain acts and parts of acts in relation thereto.

*Be it enacted by the People of the State of Washington:*

SECTION 1. That section 2 of chapter 7 of the Laws of 1921 be amended to read as follows:

Section 2. There shall be, and are hereby created, departments of the state government which shall be known respectively as (1) the department of

Amends § 2, ch. 7, Laws of 1921.

public works, (2) the department of business control, (3) the department of efficiency, (4) the department of taxation and examination, (5) the department of health, (6) the department of conservation and development, (7) the department of labor and industries, (8) the department of agriculture, (9) the department of licenses, (10) the department of fisheries, and (11) the department of game; which departments shall be charged respectively with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Departments  
of state gov-  
ernment.

SEC. 2. That section 3 of chapter 7 of the Laws of 1921 be amended to read as follows:

Amends § 3,  
ch. 7, Laws  
of 1921.

Section 3. There shall be a chief executive officer of each of the departments of the state government created by this act, to be known respectively as, (1) the director of public works, (2) the director of business control, (3) the director of efficiency, (4) the director of taxation and examination, (5) the director of health, (6) the director of conservation and development, (7) the director of labor and industries, (8) the director of agriculture, (9) the director of licenses, (10) the director of fisheries, and (11) the director of game; who, unless otherwise hereinafter specifically provided, shall be appointed by the governor, with the consent of the senate and hold office at the pleasure of the governor: *Provided*, That if the senate be not in session when this act takes effect, and in case a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to the senate his nomination for the office.

Department  
heads.

Appointed by  
Governor  
with consent  
of Senate.

SEC. 3. That section 107 of chapter 7 of the Laws of 1921 be amended to read as follows:

Amends  
§ 107, ch. 7,  
Laws of  
1921.

Section 107. The department of fisheries shall be organized into and consist of, the state fisheries

Department  
of fisheries.

Director.

board and the director of fisheries. The director of fisheries shall have charge and general supervision of the department, and shall receive a salary of not to exceed six thousand dollars per annum, and shall have power to appoint and deputize such clerical and other assistants as may be necessary for the general administration of the department. No person shall be eligible to appointment as, or to hold the office of, director of fisheries unless he has general knowledge of fishing conditions and of the fishing industry in this state, nor if he has any financial interest in the fishing industry or any industry directly connected therewith.

Salary.

Eligibility.

Amends § 114, ch. 7, Laws of 1921.

SEC. 4. That section 114 of chapter 7 of the Laws of 1921 be amended to read as follows:

Appointees and assistants.

Section 114. The director of fisheries shall have the power to appoint and employ such superintendents, inspectors, engineers, patrolmen, and such clerical and other assistants as may be necessary to carry on the work of the department.

Amends § 116, ch. 7, Laws of 1921.

SEC. 5. That section 116 of chapter 7 of the Laws of 1921 be amended to read as follows:

Powers and duties.

Section 116. The director of fisheries shall have the power and it shall be his duty to exercise all the powers and perform all the duties related to food fish and shell fish, now vested in and required to be performed by the director of fisheries and game; to exercise such other powers and perform such other duties as may be required by law.

Amends § 115, ch. 7, Laws of 1921.

SEC. 6. That section 115 of chapter 7 of the Laws of 1921 be amended to read as follows:

Department of game.

Section 115. The department of game shall be organized into and consist of the state game commission and the director of game. The director of game shall have charge and general supervision of the department of game, and shall receive a salary of not to exceed six thousand dollars per annum, and

Director.

Salary.

shall have power to appoint and employ such game protectors, deputy game protectors, and such clerical and other assistants as may be necessary for the general administration of the department, and no person shall be eligible to appointment as or hold the office of director of game unless he has practical knowledge of the habits and distribution of the game and game fish of this state.

Eligibility.

SEC. 7. That chapter 7 of the Laws of 1921 be further amended by adding thereto, a new section to be known as section 107A.

Adds § 107A to ch. 7, Laws of 1921.

Section 107A. The wild animals, wild birds, and game fish within and in the waters of the State of Washington, shall be preserved, protected, and perpetuated, and to that end such wild animals and wild birds and game fish shall not be taken at such times or places or by such means or in such manner as will impair the supply thereof.

Protection of game and fish.

SEC. 8. That chapter 7 of the Laws of 1921 be further amended by adding thereto, a new section to be known as section 107B.

Adds § 107B to ch. 7, Laws of 1921.

Section 107B. The governor shall have the power and it shall be his duty to appoint a state game commission, which shall consist of six electors of the state, to hold office for terms of six years each from the date of their appointment, unless sooner removed as hereinafter provided, at least three of whom shall be residents of that portion of the state lying east of the summit of the Cascade Mountains, and at least three of whom shall be residents of that portion of the state lying west of the summit of the Cascade Mountains, no two of whom shall be residents of the same county.

Governor shall appoint game commission.

3 members from east of Cascades and 3 from west of mountains.

Of the members of the commission first appointed, two, one of whom shall be a resident of that portion of the state lying east of the summit of the Cascade Mountains and one of whom shall be a resi-

Term of  
office.

dent of that portion of the state lying west of the summit of the Cascade Mountains, shall be appointed for a term of six years each; two, one of whom shall be a resident of that portion of the state lying east of the summit of the Cascade Mountains, and one of whom shall be a resident of that portion of the state lying west of the summit of the Cascade Mountains, shall be appointed for a term of four years each; and two, one of whom resides east of the summit of the Cascade Mountains, and one of whom resides west of the summit of the Cascade Mountains, shall be appointed for a term of two years each.

Adds § 107C  
to ch. 7,  
Laws of  
1921.

SEC. 9. That chapter 7 of the Laws of 1921 be further amended by adding thereto, a new section to be known as section 107C.

Removal.

Section 107C. The governor may remove any game commissioner for inefficiency, neglect of duty, or misconduct in office, giving him a copy of the charges against him, and an opportunity of being publicly heard in person, or by counsel in his own defense, upon not less than ten days' notice. If such commissioner shall be removed, the governor shall file in the office of the secretary of state a complete statement of all charges made against such commissioner, and his findings thereon, together with a complete record of the proceedings, and there shall be no right to review of the same in any court whatsoever.

No right  
of review.

Adds § 107D  
to ch. 7,  
Laws of  
1921.

SEC. 10. That chapter 7 of the Laws of 1921 be further amended by adding thereto, a new section to be known as section 107D.

Eligibility.

Section 107D. No person shall be eligible to appointment as a member of the state game commission unless he has general knowledge of the habits and distribution of wild animals and birds and game fish in the State of Washington, or who shall hold

any other elective or appointive office, state, county, or municipal.

SEC. 11. That chapter 7 of the Laws of 1921, be further amended by adding thereto, a new section to be known as section 107E.

Adds § 107E to ch. 7, Laws of 1921.

Section 107E. The state game commission shall have the power and it shall be its duty from time to time, to investigate and determine the habits and distribution of the various species of wild animals and birds and game fish native to or capable of being adapted to the climatic conditions of the State of Washington, and to classify the wild animals as game animals, predatory animals, fur-bearing animals, and to classify the wild birds as game birds, predatory birds, non-game birds, and harmless or song birds.

Powers and duties.

SEC. 12. That chapter 7 of the Laws of 1921 be further amended by adding thereto, a new section to be known as section 107F.

Adds § 107F to ch. 7, Laws of 1921.

Section 107F. The state game commission shall have the power and it shall be its duty from time to time to adopt, promulgate, amend and/or repeal, and enforce reasonable rules and regulations governing and/or prohibiting the taking of the various classes of game and predatory animals, game birds, predatory birds, non-game birds, and harmless or song birds, and game fish in the respective game areas and throughout the State of Washington: To investigate the geographic, climatic and biological conditions of the various portions of the State of Washington, and to divide the state into contiguous areas of convenient size and location for administrative purposes, having the same or similar geographic, climatic, and biological conditions, which areas shall be known as game areas and designated respectively by names appropriate to their geographic location.

To make and enforce regulations.

Commission shall designate game areas.

Adds § 107G  
to ch. 7,  
Laws of  
1921.

SEC. 13. That chapter 7 of the Laws of 1921 be further amended by adding thereto, a new section to be known as section 107G.

Laws  
repealed  
become  
regulations.

Section 107G. All laws relating to wild animals and birds and game fish and regulating or prohibiting the times, places, and manner of taking the same and the quantities that may be taken, are hereby repealed as statutes and are hereby constituted and declared to be operative and to remain in force as the rules and regulations of the state game commission, until such time as they or any of them are amended, modified, or repealed by the commission as herein provided.

Adds § 107H  
to ch. 7,  
Laws of  
1921.

SEC. 14. That chapter 7 of the Laws of 1921 be further amended by adding thereto, a new section to be known as section 107H.

Regulations  
remain  
operative.

Section 107H. All rules and regulations relating to wild animals and birds and game fish, providing for their protection and conservation, and in force at the time of the taking effect of this act, are hereby constituted and declared to be operative and to remain in force as the rules and regulations of the state game commission, until such time as they or any of them are amended by the commission as herein provided.

Rules and  
regulations  
of commis-  
sion, how  
made.

SEC. 15. All rules and regulations adopted by the state game commission as above provided, and all amendments to or all modifications or repeals of existing rules and regulations, shall be made and adopted by a two-thirds vote of the entire membership of the commission at a regular meeting, by resolution entered and recorded in the minutes of the commission, and shall be promulgated by publication in a newspaper of general circulation published at the state capitol, which newspaper shall be selected and designated as the official newspaper of the commission, and also by publication for such

length of time and in such number of issues as the commission shall designate, in one or more newspapers to be selected and designated by the commission, published and of general circulation within the area affected by the rule or regulation adopted, amended, or repealed.

SEC. 16. The director of game shall have the power to appoint and employ and assign to duty in particular areas, such game protectors and deputy game protectors, and appoint such clerical and other assistants as may be necessary to carry on the work of the department.

Appointment  
of game  
protectors.

SEC. 17. The state game commission shall maintain an office at such place in the state as it may designate for the transaction of its business. The state game commission shall hold regular meetings on the first Monday of January, April, July, and October of each year and special meetings at such times as may be called by the chairman or by a two-thirds majority of the members of the commission.

Office.

Meetings.

The state game commission at its first regular meeting after the appointment and qualification of its membership, shall meet at the state capitol and organize by electing one of its members as chairman to serve for a term of two years, and until his successor is elected and qualified, and biennially thereafter the state game commission shall meet at its office and elect one of its members as chairman, who shall serve for a term of two years and until his successor is elected and qualified. At such meeting the commission shall elect a director of game by a two-thirds vote of its membership, who shall hold office at the pleasure of the commission. The director of game shall be ex-officio secretary of the state game commission, attend its meetings, keep a record of the business transacted by it, and perform such other duties as the commission may direct. Each

Election of  
chairman.

Election of  
director.



Commissioners' fees.

member of the state game commission shall receive ten dollars per diem for each day actually spent in the performance of his duties, and his actual necessary traveling and other expenses in going to, attending, and returning from meetings of the commission. The state game commission shall, on or before the last Monday of October 1934 and biennially thereafter, make a full and complete report of the official business transacted by it, which report shall be published in pamphlet form.

Repeals § 11-15 inc., ch. 178, Ex. Laws of 1925.

SEC. 18. That sections 11, 12, 13, 14 and 15 of chapter 178 of the Laws of the Extraordinary Session of 1925, are hereby repealed.

Amends § 16, ch. 178, Ex. Laws of 1925.

SEC. 19. That section 16 of chapter 178 of the Laws of the Extraordinary Session of 1925 be amended to read as follows:

Powers and duties of commission.

Section 16. The state game commission shall have the power and authority to regulate the propagation and preservation of all game animals, fur-bearing animals, game birds, non-game birds, harmless or song birds, and game fish and the collection of game fish spawn and the distribution of the same, and the distribution of fry and adult game fish in any of the rivers, lakes, and streams of the state and the right to import such spawn, fry and adult fish as may be deemed advisable, and, when so propagated, taken or imported, to distribute the same to the various counties as necessities and adaptabilities may require; and to purchase, sell, lease or exchange all real or personal property; and the right at any season of the year to take any specimen or specimens of game animals, fur-bearing animals, wild birds, or game fish, for informative, scientific or research purposes. The state game commission shall have the power to authorize the importation of game birds and non-game birds, game animals, fur-bearing animals, and game fish, and authority to

Importation of game and fish.

regulate and license the sale and transportation thereof within the state.

SEC. 20. That section 17 of chapter 178 of the Laws of the Extraordinary Session of 1925, as amended by section 3 of chapter 258 of the Laws of 1927, be amended to read as follows:

Amends § 17,  
ch. 178, Ex.  
Laws of  
1925.

Section 17. The director of game may issue permits limited as to number and duration, for the collection of wild birds, their nests, and eggs, game animals, fur-bearing animals, or game fish, for scientific purposes only, within certain game areas or throughout the state. Before any such permit is issued the applicant therefor shall file an application in writing stating his name, age and place of residence, which application shall be accompanied by a certificate signed by the president or the curator of the museum of either the University of Washington or the State College of Washington, certifying that the applicant is a person of good moral character and is possessed of sufficient scientific knowledge to warrant the issuance of such permit, and the applicant shall file a bond running to the State of Washington, with good and sufficient surety, to be approved by the state game commission, in the penal sum of one thousand dollars (\$1,000.00), and conditioned for the faithful compliance with all the provisions of such permit and of this section. The director of game may issue permits without bonds to any accredited representative of any museum or institute of natural history of the United States or of any state or county presenting credentials under the seal of such museum or institute. All permits issued as hereinabove provided, shall be valid for the time limited in such permit, but in no instance for a period of more than one year from the first day of March in the year in which they are issued unless sooner revoked.

Permits for  
scientific  
purposes.

Applicant  
must file  
bond.

Specimens. It shall be unlawful for any person having a permit issued under the provisions of this section to sell or offer for sale any specimens collected, but the holder of any such permit may exchange such specimen with any state university or any museum or institute of natural history of the United States, or any state, or any country or with any individual holding a similar permit from this state or the authorities of another state.

Violation. Every holder of such permit who shall violate any of the provisions of this section shall forfeit his permit and the bond required for the issuance of the same and shall be prohibited from being issued a similar permit for a period of five years, and every holder of such permit who shall violate any provision of this act, shall forfeit his permit and shall be prohibited from being issued a similar permit for a period of one year.

Penalty.

Amends § 18,  
ch. 178, Ex.  
Laws of  
1925.

SEC. 21. That section 18 of chapter 178 of the Laws of the Extraordinary Session of 1925 be amended to read as follows:

Section 18. The director of game, all game protectors, and all deputy game protectors, shall have the power and authority to serve and execute all warrants and process of the law issued by the courts in enforcing the provisions of this act, or any other law of this state, relating to preservation and propagation of game animals, fur-bearing animals, game birds, non-game birds, harmless or song birds, game fish and salmon, for the purpose of enforcing this act and any law for the preservation of wild animals and birds and game fish may call to their aid any sheriff, deputy sheriff, constable, police officer or citizen and it shall be the duty of any such officer or person so called upon to render such aid. The director of game, all game protectors, and all deputy game protectors, shall have the power to arrest without a warrant any person or persons found in

Warrants and process of law.

Sheriffs, constables, etc., to aid.

the act of violating any of the provisions of this act or any law enacted for the purpose of protecting or propagating wild animals or birds, game fish and salmon.

SEC. 22. That section 19 of chapter 178 of the Laws of the Extraordinary Session of 1925 be amended to read as follows:

Amends § 19,  
ch. 178, Ex.  
Laws of  
1925.

Section 19. It shall be the duty of every game protector, deputy game protector, the sheriff, deputy sheriff, constable, city marshall [marshal], and police officer within their respective jurisdictions, to enforce all the provisions of this act and all laws and all rules and regulations adopted by the state game commission for the protection of game animals, fur-bearing animals, game birds, non-game birds, harmless or song birds, game fish and salmon, and such sheriffs, deputy sheriffs, constables, city marshall [marshal], police officers, United States game wardens, and any forest officer appointed by the United States government, and each of them by virtue of their election or appointment, are hereby created and constituted ex-officio deputy game protectors for their respective jurisdictions.

Enforcement  
of act.

SEC. 23. That section 20 of chapter 178 of the Laws of the Extraordinary Session of 1925 be amended to read as follows:

Amends § 20,  
ch. 178, Ex.  
Laws of  
1925.

Section 20. All game protectors, deputy game protectors, sheriff, deputy sheriff, city marshall [marshal], constable or police officer, United States game warden or forest officer may without warrant arrest any person found by him violating any of the provisions of this act or any law enacted or any rule or regulation adopted and promulgated by the state game commission for the purpose of propagating wild animals, wild birds, game fish and salmon.

Arrest.

SEC. 24. That section 21 of chapter 178 of the Laws of the Extraordinary Session of 1925 be amended to read as follows:

Amends § 21,  
ch. 178, Ex.  
Laws of  
1925.

Right to  
search.

Section 21. Any member of the state game commission, the director of game, and any game protector, deputy game protector, sheriff, constable, police officer, or United States game warden, or forest officer, shall have the power to search without warrant, any person, conveyance, vehicle, game bag, game basket, game coat or other receptacle for game or game fish and any cold storage plant, warehouse, market, tavern, boarding-house, restaurant, club, hotel, eating-house, fur store, tannery or other place where he has reason to believe that game animals, fur-bearing animals, game birds, non-game birds, harmless or song birds, or game fish or parts thereof are kept for sale, or sold, and to search all packages or boxes, which he has reason to believe contain evidence of violations of this act, and any hindrance or interference with any such officer while [while] engaged in making such search shall be *prima facie* evidence that the person interfering with or hindering such officer is guilty of a violation of this act. Any of the officers above named may at any time seize and take possession of any game fish, game bird, non-game bird, harmless or song bird, game animals or fur-bearing animal, or any part thereof, which has been unlawfully caught, taken, or killed or which is unlawfully possessed in violation of the provisions of this act.

Seizure.

Amends § 22,  
ch. 178, Ex.  
Laws of  
1925.

SEC. 25. That section 22 of chapter 178 of the Laws of the Extraordinary Session of 1925 be amended to read as follows:

Seizure  
without  
warrant.

Section 22. Any member of the state game commission, the director of game, and all game protectors, and deputy game protectors, shall have the power and authority to seize without warrant all game birds, non-game birds, harmless or song birds, game animals, fur-bearing animals, game fish or parts thereof, taken, killed, transported or possessed contrary to law, and any dog, gun, trap, net, seine,

decoy, bait, boat, light, fishing tackle or other device unlawfully used in hunting, fishing or trapping, or held with intent to use unlawfully in hunting, fishing or trapping, and any court of competent jurisdiction of the county in which the seizure is made shall have the power and jurisdiction in any prosecution for unlawfully hunting, fishing or trapping, in addition to any other penalty provided by law, to confiscate for the use of the state game commission, any article so seized and proven to have been unlawfully used or held with intent to unlawfully use, and in case it shall appear upon the sworn complaint of the officer making the seizure that any such articles so seized were not in the possession of any person and that the owner thereof is unknown the court shall have the power and jurisdiction to confiscate such article so seized upon a hearing duly had after service of summons, describing the articles seized, upon the unknown owner by publication in the manner provided by law for the service of summons by publication in civil action: *Provided*, That all dogs, guns, traps, nets, seines, decoys, baits, boats, lights, fishing tackle, or other device seized under the provisions of this act, unless forfeited, shall be returned, after the completion of the case and the fines, if any assessed, paid.

Confiscation.

Return of articles.

SEC. 26. That section 23 of chapter 178 of the Laws of the Extraordinary Session of 1925 be amended to read as follows:

Amends § 23, ch. 178, Ex. Laws of 1925.

Section 23. The state game commission and the director of game may secure by purchase, gift, or exchange with the proper authorities of other countries, states, and territories game birds, wild birds, their nests and eggs, game animals, fur-bearing animals, and game fish, fry or spawn for stocking or propagating purposes and may sell or otherwise dispose of game birds, game animals and game fish and salmon spawn so taken. No game protector or dep-

Purchase, exchange, etc. of game birds.

uty game protector shall sell or give away any game bird, game animal or game fish, eggs, spawn or fry to any person, firm or corporation outside the State of Washington without the written consent so to do by the director of game: *Provided*, This section shall not apply to those holding a game farmer's license.

Repeals § 24, 25, ch. 178, Ex. Laws of 1925.

SEC. 27. That sections 24 and 25 of chapter 178 of the Laws of the Extraordinary Session of 1925 are hereby repealed.

Amends § 26, ch. 178, Ex. Laws of 1925; § 4, ch. 258, Laws of 1927.

SEC. 28. That section 26 of chapter 178 of the Laws of the Extraordinary Session of 1925 as amended by section 4 of chapter 258 of the Laws of 1927, be amended to read as follows:

Power to close or shorten open season.

Section 26. The director of game, by and with the consent and approval in writing of a two-thirds majority of the membership of the state game commission, shall have the power to entirely close, or to shorten to such time as he may deem advisable the open season fixed by statute or by any rule or regulation of the state game commission for any or all game animals, fur-bearing animals, game birds or game fish within the respective game areas and throughout the state and after such season has been closed or shortened as aforesaid, to re-open the same for all or any portion of the time fixed by statute or any rule or regulation of the state game commission which he may deem advisable and shall have the authority to fix the daily, weekly, or season bag limit on any or all game animals, fur-bearing animals, game birds or game fish within any game area or areas or throughout the state.

Re-opening.

To fix bag limit.

Written order filed.

The exercise of power herein granted to close or re-open seasons or fix bag limits shall be by a written order signed by the director of game and filed in the office of the state game commission and in the office of the auditor of any county affected by the order.

SEC. 29. That section 27 of chapter 178 of the Laws of the Extraordinary Session of 1925 be amended to read as follows :

Amends § 27, ch. 178, Ex. Laws of 1925.

Section 27. The director of game shall cause to be published the order closing, shortening, or re-opening of any season or seasons, or fix any bag limit, in a newspaper published and of general circulation in each county affected, not less than two weeks prior to the opening of the season as fixed by statute or rule or regulation of the state game commission.

Publication of order affecting season or bag limit.

SEC. 30. That sections 28 and 29 of chapter 178 of the Laws of the Extraordinary Session of 1925 are hereby repealed.

Repeals § 28, 29, ch. 178, Ex. Laws of 1925.

SEC. 31. That section 30 of chapter 178 of the Laws of the Extraordinary Session of 1925 be amended to read as follows :

Amends § 30, ch. 178, Ex. Laws of 1925.

Section 30. There is hereby established in the state treasury, a fund to be known as the state game fund, which shall consist of all monies received from fees for the sale of licenses and permits issued under the provisions of this act and all monies received from fines and costs imposed and collected for violations of this act or any statute for the protection of wild animals and birds and game fish and any rule or regulation of the state game commission for the protection and propagation of game and game fish. All monies in the state game fund heretofore existing at the time of the taking effect of this act, and all monies in the county game fund of the respective counties at the time of the taking effect of this act, which monies are hereby transferred to and made a part of the state game fund created by this act, and from the taking effect of this act, it shall be the duty of the auditors of the respective counties to draw their warrants on the county treasurers in favor of the state treasurer for any money remain-

State game fund.



ing in the county game fund after the payment of all claims and obligations against such county game funds; to transmit such monies to the state treasurer, to be placed to the credit of the state game fund, created by this act.

It shall be the duty of all state and county officers hereafter receiving any monies in payment of fees for licenses issued under the provisions of this act, or in payment of any fines, penalties, or costs imposed for violations of this act or from rentals or concessions authorized by the provisions of this act or from all monies received from the sale of property, real or personal, heretofore or hereafter acquired for the purpose of protecting, preserving and perpetuating the wild animals, birds or game fish, and authorized by law to be sold and disposed of, to pay the same into the state treasury to be placed to the credit of the state game fund created by this act.

Repeals §§ 31  
32, 33, ch.  
178, Ex.  
Laws of  
1925.

SEC. 32. That sections 31, 32, and 33 of chapter 178 of the Laws of the Extraordinary Session of 1925 are hereby repealed.

Amends § 34,  
ch. 178, Ex.  
Laws of  
1925.

SEC. 33. That section 34 of chapter 178 of the Laws of the Extraordinary Session of 1925 be amended to read as follows:

Game farms,  
fish  
hatcheries.

Section 34. The director of game, with the approval of the state game commission, shall have charge of the construction, control and management of all game farms and game fish hatcheries, trap sites, eyeing stations, rearing ponds, brood ponds, water rights and rights of way for access thereto, including the control of grounds owned or leased for such purposes, and shall have the power to purchase, sell, lease or exchange real or personal property whenever funds are appropriated for such purpose, and to acquire real property in the name of the state by gift, lease, purchase, or condemnation in the manner provided by law for the acquisition of prop-

erties for public purposes whenever funds are appropriated for that purpose.

SEC. 34. That section 35 of chapter 178 of the Laws of the Extraordinary Session of 1925 be amended to read as follows :

Amends § 35,  
ch. 178, Ex.  
Laws of  
1925.

Section 35. The director of game shall have the power and authority to acquire by gift, or, whenever funds are appropriated for such purpose, by purchase, lease or condemnation in the manner provided by law for condemnation of property for public use, such lands, water supplies, and rights of way therefor, as may be deemed necessary for the use of said commission for hatchery sites, eyeing stations, rearing ponds, brood ponds, trap site [sites], and game animal, fur-bearing animal, game bird, non-game bird and game fish sanctuaries and rights of way to the nearest public highway therefrom, and shall have the right from time to time to sell, convey or lease, or grant concessions upon any property acquired for such purpose, when in his judgment the property is not needed for use for the purpose for which it was acquired.

Acquiring  
property.

SEC. 35. That chapter 178 of the Laws of the Extraordinary Session of 1925 be further amended by adding thereto a new section to be known as section 35A.

Adds § 35A  
to ch. 178,  
Ex. Laws  
of 1925.

Section 35A. It shall be the duty of the state game commission upon the taking effect of this act, and upon the organization of the commission and the appointment of the director of game to notify the respective county game commissioners and county auditors, that the state game commission is organized and ready to assume the powers and duties and responsibilities granted or imposed by this act, thereupon the county game commission shall have the power respectively and it shall be its duty by proper instruments of conveyance in writing, to

Notice to  
county game  
commission.

Transfer of  
property  
and funds.

convey to the state, all real and personal property heretofore acquired by the county game commission for the protection, propagation and distribution of wild animals and birds and game fish, and it shall be the duty of the county auditor of each county to draw his warrant upon the county treasurer, payable from the county game fund, in favor of the state treasurer, for the balance of money remaining in the county game fund after the payment of all obligations and claims outstanding against such fund, to be placed to the credit of the state game fund.

Repeals § 36,  
ch. 178, Ex.  
Laws of 1925.

SEC. 36. That section 36 of chapter 178 of the Laws of the Extraordinary Session of 1925 is hereby repealed.

Amends § 37,  
ch. 178, Ex.  
Laws of  
1925; § 5, ch.  
258, Laws  
of 1927.

SEC. 37. That section 37 of chapter 178 of the Laws of the Extraordinary Session of 1925 as amended by section 5 of chapter 258 of the Laws of 1927, be amended to read as follows:

Section 37. All appointees and employees of the state game commission and the director of game shall give bond with good and sufficient surety, in amounts fixed and to be approved by the director of game, conditioned for the faithful discharge of their respective duties and to account for all funds and property coming into their possession, and shall take, subscribe and file the oath required of state officers, said bonds and oaths to be filed with the state auditor.

Bond.

Oath.

Amends § 38,  
ch. 178, Ex.  
Laws of  
1925; § 6, ch.  
258, Laws  
of 1927.

SEC. 38. That section 38 of chapter 178 of the Laws of the Extraordinary Session of 1925, as amended by section 6, of chapter 258 of the Laws of 1927, be amended to read as follows:

Section 38. It shall be unlawful for any person to hunt, trap or fish for game animals, fur-bearing animals, game birds, or game fish during the season when it is lawful to hunt, trap or fish for the same or to practice taxidermy for profit, or to receive or

to purchase or resell raw furs for profit, or to act as a guide for hire to any person or persons in hunting, trapping or fishing, without first having procured and having in force and in his personal possession and on his person while so hunting, trapping, fishing, or practicing taxidermy or dealing in furs a license so to do issued to him as provided in this act: *Provided, however,* That nothing in this act shall prevent any minor under the age of sixteen years, who is an actual resident of this state, from fishing at any time when it is otherwise lawful to fish, and nothing in this act shall be construed as requiring any land owner or leaseholder of any land to obtain or have a license to hunt or trap predatory animals on the premises owned or leased by him and nothing in this act shall be construed as requiring any United States game warden, predatory animal hunter or forest ranger or any member of the state game commission, the director of game, or any game protector or deputy game protector to obtain or have a license to hunt or trap predatory animals at any place within the state at any time.

License.

Minors.

Land  
owners.

Officials.

The licenses herein provided for shall be issued by or under the authority of the director of licenses, who shall have the power and authority to depute and invest with authority, the county auditor of any county in the state to issue such licenses and collect the fees therefor, and such county auditors, may upon receipt of the license fees or satisfactory indemnity, place books [books] of blank forms of applications and blank forms of licenses with any reputable citizen of his county, to be issued to applicants for such licenses and shall have authority on or before the first day of December of each year to redeem from such citizens all unused licenses. Each and every person, firm or corporation issuing said licenses, shall return the stub book, filled out application blanks, and statement of game taken the pre-

How issued.

vious year by each applicant, immediately upon the issuance of the last license therein, in any event prior to the first day of December of each year, to the county auditor and failure so to do shall be a misdemeanor: *Provided further*, That nothing in this act shall be construed to prevent any person from hunting or trapping jackrabbits, ground squirrels or pocket gophers without a license, east of the summit of the Cascade Mountains.

Adds §38A to ch. 178, Ex. Laws of 1925.

SEC. 39. That chapter 178 of the Laws of the Extraordinary Session of 1925 be further amended by adding thereto a new section to be known as section 38A.

Report of license holder.

Section 38A. Every license holder shall annually before purchasing a license for the current year deliver a report in writing to the person from whom he is purchasing a hunting and fishing license, the approximate number, as accurately as he can remember if he does not have the exact number, of game birds, game fish, game animals, fur-bearing animals, predatory animals, and predatory birds killed or taken by him during the time for which said license was in force, which report shall be upon blanks furnished for such purpose, which blanks shall be signed by the party making the report, together with his address and the character and number of the license, if known, before he shall be entitled to receive a license for the current year. Every person selling a hunting and fishing license shall require every purchaser of a hunting and fishing license to make a report of his catch or kill, as above specified, for the previous year; which blanks when so filled out shall be transmitted weekly to the director of game.

Amends § 39, ch. 178, Ex. Laws of 1925.

SEC. 40. That section 39 of chapter 178 of the Laws of the Extraordinary Session of 1925 be amended to read as follows:

Section 39. All licenses issued under the provisions of this act shall be upon such forms and of such material as may be designated by the director of game and the various classes of licenses shall be upon material of such different colors as may be designated by the director of game, which forms, materials and colors shall be designated by the director of game and notice of such designation mailed to the director of licenses on or before the first day of December of each year. All blank forms of licenses shall be bound or stapled in "books" of convenient quantities and each blank license shall be printed on a single sheet with the "stub" for the blank form of application for the license.

License forms.

SEC. 41. That section 41 of chapter 178 of the Laws of the Extraordinary Session of 1925 be amended to read as follows:

Amends § 41, ch. 178, Ex. Laws of 1925.

Section 41. The director of licenses shall authorize and deputize the auditors of the respective counties in the state to receive the fees and issue the licenses hereinafter provided for.

County auditor to issue licenses

SEC. 42. That section 42 of chapter 178 of the Laws of the Extraordinary Session of 1925 be amended to read as follows:

Amends § 42, ch. 178, Ex. Laws of 1925.

Section 42. Any citizen of the United States, or person who has in good faith declared his intention of becoming a citizen of the United States, and who has been an actual resident of this state for six months, may by paying to the county auditor the sum of three dollars (\$3.00), obtain a state hunting and fishing license which shall entitle the holder thereof to hunt and fish in any county of the state until the first day of January next, following the date of its issuance, when it would otherwise be lawful to hunt or fish within said county.

State license, fee.

Amends § 43,  
ch. 178, Ex.  
Laws of  
1925.

SEC. 43. That section 43 of chapter 178 of the Laws of the Extraordinary Session of 1925 be amended to read as follows:

County  
license, fee.

Section 43. Any citizen of the United States, or person who has in good faith declared his intention of becoming a citizen of the United States, and who has been an actual resident of this state for six months may, by paying to a county auditor the sum of one dollar and fifty cents (\$1.50), obtain a hunting and fishing license which shall entitle the holder thereof to hunt game birds and game animals and fish within the county in which he resides, for which such license is issued until the first day of January next following the date of issuance, at any time when it is otherwise lawful to hunt or fish in such county.

Powers  
and duties  
vested in  
director.

SEC. 44. From and after the taking effect of this act, the director of game shall exercise all the powers and perform all the duties in relation to wild animals and birds and game fish, heretofore vested in and required to be performed by the director of fisheries and game, and shall exercise such other powers and perform such other duties as may be provided by law; and from and after the taking effect of this act, the office of the director of fisheries and game, and office of the supervisor of game and game fish, the offices of deputy state game warden, county game commissioner, county game warden, deputy game warden shall be abolished.

Offices  
abolished.

Invalidity  
of part not  
to affect  
balance.

SEC. 45. If any provision or section of this act shall be adjudicated to be unconstitutional, such adjudication shall not affect the validity of the act as a whole or any part thereof not adjudicated unconstitutional.

Passed by vote of the people at the general election November 8, 1932.

Proclamation signed by the Governor December 8, 1932.